



Attorney's Docket No. 52003204

## SUBSTITUTE DECLARATION AND POWER OF ATTORNEY

We, William Lawrance, Howard Hagan and David S. Edwards, hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our respective names;

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD & DATA PROCESSING SYSTEM PROVIDING CHECKPOINT/RESTART ACROSS MULTIPLE HETEROGENEOUS COMPUTER SYSTEMS

described and claimed in Application No. 09/896,700, filed June 29, 2001.

As of June 29, 2001:

We do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof;

We do not know and do not believe that the invention was ever patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application;

We do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application;

The invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application;

As to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America, no such applications have been filed;

We have reviewed and understand the contents of the above-identified specification, including the claims; and

We acknowledge the duty to disclose information which is material to the examination of this application as defined in 37 C.F.R. 1.56.

We hereby declare that all statements made hereby of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint James H. Phillips (Reg. No. 24,133) and Russell W. Guenthner (Reg. No. 54,140) our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We request that all correspondence be directed to:

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Date of Execution: November 4, 2004

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Date of Execution: November 4, 2004

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Date of Execution: November 4, 2004

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